SUPREME COURT, U. S.

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JOHN F. DAVIS, CLERK

IN THE

Supreme Court of The United States

October Term, 1967

No. 602

FLETA A. JONES,
As Natural Tutrix of the Minor,
BRENDA WARE,

Petitioner,

versus

AETNA CASUALTY AND SURETY COMPANY,

Respondent.

MOTION OF AMERICAN TRIAL LAWYERS ASSOCIATION AS AMICUS CURIAE IN SUPPORT OF THE PETITION FOR A WRIT OF CERTIORARI

AMERICAN TRIAL LAWYERS ASSOCIATION
SAMUEL LANGERMAN,
PRESIDENT
1400 Arizona Title Building
Phoenix, Arizona 85003

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TO THE HONORABLES THE CHIEF JUSTICE AND ASSOCIATE JUSTICES OF THE SUPREME COURT OF THE UNITED STATES:

NOW comes AMERICAN TRIAL LAWYERS ASSOCIATION and ON SUGGESTING TO THE COURT that:

1. American Trial Lawyers Association is a national organization composed of more than 20,000 lawyer-members:

2. Movant subscribes to and advocates the belief that trial by jury in civil cases is a fundamental privilege of American citizenship;

3. The right of efficacious trial by civil jury is preserved to all litigants in all courts by part one of the Seventh Amendment to the Constitution of the United States;

4. The instant application transcends the case itself and offers this Honorable Court an opportunity to prescribe the bounds and limits of State authority to erode fundamental due process of law as applied to civil jury trials by the Constitution of the United States;

5. The action of the state courts of which the instant application complains deprives petitioner's ward of her basic right to have a genuinely disputed issue of material fact finally determined in the tribunal where the witnesses appeared and where their testimony could be fully and fairly assayed;

6. Such action is specifically in derogation of the due legal process embodied in Amendments V, VII and XIV of the Constitution of the United States and should not be sanctioned in the courts of Louisiana or of any other State; and that

7. An answer to the basic, underlying question presented by the instant application, to-wit, the applicability of the Seventh Amendment of the Constitution of the United States to the several states of the Union.

is important to the nation as a whole and merits this Court's full review and consideration:

Respectfully moves this Honorable Court to grant the application for certiorari filed herein and to review the question presented thereby upon a thorough study thereof, with due consideration to the views of all interested parties, including Movant, as *amicus curiae*.

AMERICAN TRIAL
LAWYERS ASSOCIATION

By_____
Samuel Langerman, President
1400 Arizona Title Building
Phoenix, Arizona 85003

Certificate

I, the undersigned member of the Bar of this Court, do hereby certify that a copy of the foregoing Motion has been served upon counsel for the Petitioner, Samuel C. Gainsburgh, 1718 National Bank of Commerce Building, New Orleans, Louisiana, and upon counsel for the Respondent, Richard H. Switzer, 500 Slattery Building, Shreveport, Louisiana, by depositing the same, airmail postage prepaid, in the United States Mails, properly addressed and with adequate postage affixed, this _____ day of November, 1967, at

_____
Samuel Langerman
1400 Arizona Title Building
Phoenix, Arizona 85003